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| APPLICATION NO. | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
|-----------------|-------------|----------------------|---------------------|------------------|
| 09/700,646      | 11/15/2000  | Lars Andersson       | 9435-021            | 7654             |

7590

07/13/2004

Pennie & Edmonds  
1155 Avenue of the Americas  
New York, NY 20006

EXAMINER

YANG, CLARA I

| ART UNIT | PAPER NUMBER |
|----------|--------------|
|----------|--------------|

2635

DATE MAILED: 07/13/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

24

**Advisory Action**

Application No.

09/700,646

Applicant(s)

ANDERSSON, LARS

Examiner

Clara Yang

Art Unit

2635

--The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

THE REPLY FILED 18 June 2004 FAILS TO PLACE THIS APPLICATION IN CONDITION FOR ALLOWANCE. Therefore, further action by the applicant is required to avoid abandonment of this application. A proper reply to a final rejection under 37 CFR 1.113 may only be either: (1) a timely filed amendment which places the application in condition for allowance; (2) a timely filed Notice of Appeal (with appeal fee); or (3) a timely filed Request for Continued Examination (RCE) in compliance with 37 CFR 1.114.

**PERIOD FOR REPLY** [check either a) or b)]

- a) ☐ The period for reply expires \_\_\_\_\_ months from the mailing date of the final rejection.
- b) ☒ The period for reply expires on: (1) the mailing date of this Advisory Action, or (2) the date set forth in the final rejection, whichever is later. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of the final rejection. ONLY CHECK THIS BOX WHEN THE FIRST REPLY WAS FILED WITHIN TWO MONTHS OF THE FINAL REJECTION. See MPEP 706.07(f).

Extensions of time may be obtained under 37 CFR 1.136(a). The date on which the petition under 37 CFR 1.136(a) and the appropriate extension fee have been filed is the date for purposes of determining the period of extension and the corresponding amount of the fee. The appropriate extension fee under 37 CFR 1.17(a) is calculated from: (1) the expiration date of the shortened statutory period for reply originally set in the final Office action; or (2) as set forth in (b) above, if checked. Any reply received by the Office later than three months after the mailing date of the final rejection, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

1. ☐ A Notice of Appeal was filed on \_\_\_\_\_. Appellant's Brief must be filed within the period set forth in 37 CFR 1.192(a), or any extension thereof (37 CFR 1.191(d)), to avoid dismissal of the appeal.
2. ☐ The proposed amendment(s) will not be entered because:
- (a) ☐ they raise new issues that would require further consideration and/or search (see NOTE below);
  - (b) ☐ they raise the issue of new matter (see Note below);
  - (c) ☐ they are not deemed to place the application in better form for appeal by materially reducing or simplifying the issues for appeal; and/or
  - (d) ☐ they present additional claims without canceling a corresponding number of finally rejected claims.

NOTE: \_\_\_\_\_.

3. ☐ Applicant's reply has overcome the following rejection(s): \_\_\_\_\_.
4. ☐ Newly proposed or amended claim(s) \_\_\_\_\_ would be allowable if submitted in a separate, timely filed amendment canceling the non-allowable claim(s).
5. ☒ The a) ☐ affidavit, b) ☐ exhibit, or c) ☒ request for reconsideration has been considered but does NOT place the application in condition for allowance because: See Continuation Sheet.
6. ☐ The affidavit or exhibit will NOT be considered because it is not directed SOLELY to issues which were newly raised by the Examiner in the final rejection.
7. ☐ For purposes of Appeal, the proposed amendment(s) a) ☐ will not be entered or b) ☐ will be entered and an explanation of how the new or amended claims would be rejected is provided below or appended.

The status of the claim(s) is (or will be) as follows:

Claim(s) allowed: \_\_\_\_\_.

Claim(s) objected to: 13,15 and 17.Claim(s) rejected: 7-12,14 and 16.

Claim(s) withdrawn from consideration: \_\_\_\_\_.

8. ☐ The drawing correction filed on \_\_\_\_\_ is a) ☐ approved or b) ☐ disapproved by the Examiner.
9. ☐ Note the attached Information Disclosure Statement(s) (PTO-1449) Paper No(s). \_\_\_\_\_
10. ☐ Other: \_\_\_\_\_

  
BRIAN ZIMMERMAN  
PRIMARY EXAMINER

Continuation of 5. does NOT place the application in condition for allowance because: The applicant argues on the first page of the remarks that U.S. Patent No. 5,491,468 (Everett et al.) fails to "teach, disclose or suggest any 'selective' connections and that "Ahlm is also not identified as teaching the limitation plainly missing from Everett (see second page of the remarks). However, the examiner would like to reiterate that claim 7 is rejected as being unpatentable over U.S. Patent No. 5,729,695 (Ahlm et al.) in view of Everett and that Ahlm teaches an electronic label comprising all the elements of claim 7 (e.g., a solar cell or power supply means, an infrared LED or transmitter means, a transistor T or switching means for the LED, receiver means, capacitor battery C or transmitter capacitor, and logic control circuitry or control means for connecting and disconnecting the LED to and from capacitor battery C via transistor T) except for a charge pump means that supplies power to capacitor battery C/transmitter capacitor. (See page 4 of the previous Office Action.) Everett, on the other hand, teaches connecting a charge pump, which is formed by voltage doubler 42 and energy storage capacitor 44, to ASIC 38, which drives the transmitter. Per Everett, power up circuit 38 or control means connects capacitor 44 to ASIC 38 by closing switch 50 when the detected voltage exceeds 5 volts and disconnects capacitor 44 when the detected voltage drops to approximately 3 volts (see Col. 4, lines 39 - 48). In addition, the applicant argues that it is unclear "how the proposed combination reduces the power consumption of the label" (see the second page of the remarks). However, the examiner indicates in the motivation that "connecting a charge pump to the transmitter capacitor...only when transmission is likely...and maintaining the connection only during data transmission decrease power consumption of the solar cell while powering the LED in a highly efficient manner." In other words, one of ordinary skill in the art would recognize that powering an electronic label's transmitter capacitor only during transmission conserves power of the solar cell and that a charge pump powers/drives an LED in an efficient manner by increasing the solar cell's power output. Regarding the argument on the third page of the remarks, the applicant argues that "it is not clear which capacitor of Ahlm is identified by the Office Action as being the transmit capacitor." On page 4 of the previous Office Action, the examiner indicates that capacitor battery C is the transmitter capacitor and that Ahlm's electronic label only transmits an acknowledgement when a received signal contains an ID code that corresponds to the one in the electronic label's memory (see Col. 5, lines 55 - 65).